

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:12-CR-368-T-17MAP

JACKIE LEROY SMITH.

\_\_\_\_\_ /

ORDER

This cause is before the Court on:

Dkt. 34	Motion for Retroactive Application of Sentencing Guidelines Pursuant to Amendment 782
Dkt. 36	Amendment 782 Memorandum
Dkt. 39	Notice of Federal Defender

Defendant Jackie Leroy Smith, *pro se*, moves for 2-level reduction pursuant to 18 U.S.C. Sec. 3582(c)(2) and Amendment 782.

Defendant Smith entered into a Plea Agreement, pleading guilty to Counts 1 and 2 of the Indictment. On May 6, 2013, Defendant Smith was sentenced to a term of imprisonment of 120 months on Counts 1 and 2, concurrent, a 36-month term of supervised release on Counts 1 and 2, concurrent; fine waived, and a special assessment fee of \$200.00. (Dkts. 28, 31).

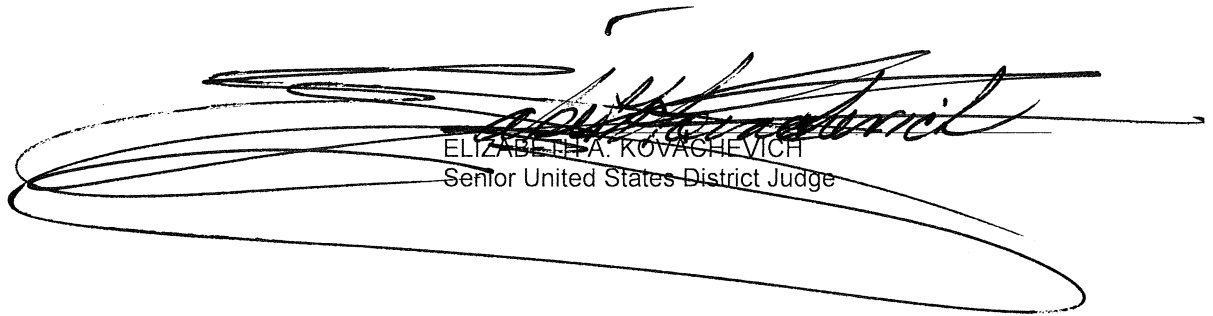
The U.S. Probation Office noted that because Defendant Smith's sentence was determined under the career offender guideline, Defendant Smith is not eligible for a sentence reduction pursuant to Amendment 782.

The Federal Defender's Office notified Defendant Smith that because Defendant's sentence was determined under the career offender guideline, USSG Sec. 4B1.1, and not the Drug Quantity Table in USSG Sec. 2D1.1(c), the Federal Defender's Office could not in good faith pursue a sentence reduction under Amendment 782.

After consideration, the Court denies Defendant Smith's Motion for a 2-level sentence reduction pursuant to 18 U.S.C. Sec. 3582(c)(2) and Amendment 782. Accordingly, it is

**ORDERED** that *pro se* Defendant Jackie Leroy Smith's Motion for Retroactive Application of Sentencing Guidelines Pursuant to Amendment 782 (Dkt. 34) is **denied**.

**DONE and ORDERED** in Chambers in Tampa, Florida on this 5<sup>th</sup>  
day of November, 2019.



ELIZABETH A. KOVACHEVICH  
Senior United States District Judge

Copies to:

All parties and counsel of record

***Pro Se*** Defendant:

Jackie Leroy Smith  
57543-018  
FEDERAL CORRECTIONAL INSTITUTION  
P.O. Box 1032  
Coleman, FL 33521-1032